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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MATCONUSA LP,

11 Plaintiff,

12 v.

13 HOUSTON CASUALTY
14 COMPANY, et al.,

15 Defendants.

CASE NO. C19-1952JLR

MINUTE ORDER

16 The following minute order is made by the direction of the court, the Honorable
17 James L. Robart:

18 The court held a telephonic conference on August 23, 2022 (*see* 8/23/22 Min.
19 Entry (Dkt. # 177)) and made the following oral rulings on the record:

20 1. The court GRANTS in part and DENIES in part Plaintiff Matcon USA
21 LP's ("Matcon") motion for reconsideration of the court's order granting Defendant
22 Marsh USA Inc.'s ("Marsh") motion in limine ("MIL") 1 or, in the alternative, for entry

1 of final judgment. (*See* MFR (Dkt. # 158); 8/16/22 Order (Dkt. # 157) at 3.)

2 Specifically, the court:

- 3 • DENIES Matcon's motion for reconsideration (Dkt. # 158);
- 4 • GRANTS Matcon's request for the alternative relief of dismissal of its
- 5 negligence claim against Marsh;
- 6 • DENIES Matcon's request for entry of partial final judgment pursuant to
- 7 Federal Rule of Civil Procedure 54(b); and
- 8 • DENIES Marsh's MIL 3, Matcon's MIL E, and Matcon's supplemental
- 9 MIL M as moot (*see* Marsh MIL (Dkt. # 136); Matcon MIL (Dkt. # 134);
- 10 Matcon Supp. MIL (Dkt. # 169); *see also* 8/16/22 Order at 3-5 (allowing
- 11 additional briefing on certain motions in limine)).

12 The court will issue a formal written order on Matcon's motion for reconsideration
13 later this week.

14 2. The court VACATES the August 29, 2022 trial date in this matter and
15 resets trial on **Monday, September 12, 2022, at 9:00 a.m.**

- 16 • Matcon and Defendant Houston Casualty Company ("Houston") shall each
- 17 have 11 hours to present its case;
- 18 • Matcon and Houston shall file revised agreed facts, witness lists, exhibit
- 19 lists, and proposed verdict forms by no later than **Tuesday, August 30,**
- 20 **2022, at 5:00 p.m.;**

- Matcon and Houston shall file revised proposed voir dire by no later than **Friday, September 2, 2022, at 5:00 p.m.**; and
- Houston shall file, by no later than **Tuesday, August 30, 2022, at 5:00 p.m.**, a notice of authority attaching case law supporting its proposition that the allocation of defense costs is a question of fact for the jury.

3. For the reasons stated on the record during the August 23, 2022 telephonic conference, the court DENIES Matcon's MIL F. (*See* Matcon MIL at 8-9; *see also* 8/16/22 Order at 6 (allowing Matcon to file a reply in support of its MIL F).)

Filed and entered this 23rd day of August, 2022.

RAVI SUBRAMANIAN
Clerk of Court

s/ Ashleigh Drecktrah
Deputy Clerk